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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,245	01/27/2005	Takefumi Niki	0090171	8343
9355 7590 09/27/2007 JACQUELINE E. HARTT, PH.D ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A. P.O. BOX 3791 ORLANDO, FL 32802-3791			EXAMINER REIFSNYDER, DAVID A	
			ART UNIT 1723	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,245	Applicant(s) NIKI ET AL.	
	Examiner David A. Reifsnyder	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 2 and 6; the recitation of "characterized" is normally interpreted as meaning "comprising"; however, since comprising is already recited in these claims, it is vague and indefinite as to what is meant by "characterized". Furthermore, it is unclear as to whether a Jepson type format is intended. (see C.F.R. 1.75(e))

Regarding claim 2; the recitation of "the longitudinal length" lacks antecedent basis.

Regarding claim 3; the recitation of "(sewage side)" and "(clean water side)" is confusing and makes claim 3 hard to understand.

Regarding claim 4; the recitation of "the magnetism-seeded sorption agent" and "the sorption agent" both lack antecedent basis and can not be understood.

Regarding claim 5; the recitation of "based on a microorganism immobilization method" makes claim 5 impossible to understand. Furthermore, the recitation of "said sorption agent" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Windle who discloses a wastewater treatment system comprising a magnetism adding means for adding magnetism to material to be separated in wastewater, a superconducting magnetic separation means for separating the material from the wastewater by collecting the magnetism-added material through the magnetic field generated by a solenoid-type superconducting magnet, characterized in that the improvement comprises said magnetism adding means adds magnetism to the material by attaching the material to a carrier and said superconducting magnetic separation means comprises a pair of magnetic filters (i.e. a plurality of single-unit magnetic filters) connected to each other and movable in a longitudinal direction through a bore of the superconducting magnet, the movement enabling the switching of the magnetic filter for alternate use in such a way that while one magnetic filter is used for wastewater treatment in the bore of the magnet, the other magnetic filter can be backwashed outside the bore. See figure 2 and column 5, line 13 to the end of column 10.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 60-058216 A who discloses a wastewater treatment system comprising a magnetism

adding means for adding magnetism to material to be separated in wastewater, a superconducting magnetic separation means for separating the material from the wastewater by collecting the magnetism-added material through the magnetic field generated by a solenoid-type superconducting magnet, characterized in that the improvement comprises said magnetism adding means adds magnetism to the material by attaching the material to a carrier and said superconducting magnetic separation means comprises pairs of magnetic filters (i.e. a plurality of single-unit magnetic filters) connected to each other and movable in a longitudinal direction through a bore of the superconducting magnet, the movement enabling the switching of the magnetic filter for alternate use in such a way that while one magnetic filter is used for wastewater treatment in the bore of the magnet, the other magnetic filter can be backwashed outside the bore. See the abstract and Figs. 1 and 3.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2003-001243 A who discloses a wastewater treatment system comprising a magnetism adding means for adding magnetism to material to be separated in wastewater, a superconducting magnetic separation means for separating the material from the wastewater by collecting the magnetism-added material through the magnetic field generated by a solenoid-type superconducting magnet, characterized in that the improvement comprises Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2003-001243 said magnetism adding means adds magnetism to the material by attaching the material to a carrier and said superconducting magnetic

separation means comprises a plurality of single-unit magnetic filters connected to each other. See the abstract and Figs.1 and 2.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-117142 A who discloses a wastewater treatment system comprising a magnetism adding means for adding magnetism to material to be separated in wastewater, a superconducting magnetic separation means for separating the material from the wastewater by collecting the magnetism-added material through the magnetic field generated by a solenoid-type superconducting magnet, characterized in that the improvement comprises Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2003-001243 said magnetism adding means adds magnetism to the material by attaching the material to a carrier and said superconducting magnetic separation means comprises a plurality of single-unit magnetic filters connected to each other. See the abstract and Fig. 1.


Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 07-108292 A who discloses a wastewater treatment system comprising a magnetism adding means for adding magnetism to material to be separated in wastewater, a superconducting magnetic separation means for separating the material from the wastewater by collecting the magnetism-added material through the magnetic field generated by a solenoid-type superconducting magnet, characterized in that the improvement comprises said magnetism adding means adds magnetism to the material by attaching the material to carriers X. See the abstract and Fig. 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Reifsnyder whose telephone number is (571) 272-1145. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David A Reifsnyder
Primary Examiner
Art Unit 1723

DAR